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Docket No. 455-023

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

JEFFREY S. KIEL ET AL.

Serial No.: 10/806,260

Filed: 03/22/2004

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Group Art Unit: 1625

Examiner: Valenrod, Yevgeny

For: PHENOLIC ACID SALTS OF GABAPENTIN IN LIQUID
AND/OR SEMI-SOLID DOSAGE FORMS AND METHODS OF USE

Via Central Fax: 571-273-8300

RESPONSE TO RESTRICTION REQUIREMENTMail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is responsive to the Office Action mailed on May 26, 2006.

The Examiner stated in the Office Action that this application contains claims directed to the following patentably distinct inventions: Group I, claims 1-19, drawn to a process for preparing a pharmaceutical composition comprising gabapentin tannate, classified in class 560, subclass 61; Group II, claims 20-29, drawn to a pharmaceutical composition comprising gabapentin tannate, classified in class 560, subclass 61; and Group III, claims 30-32, drawn to a method of treating a condition comprising:

administering a pharmaceutically effective amount of gabapentin tannate, classified in class 514, subclass 25.

Applicants hereby elect the claims of Group II with traverse. Group II includes claims 20-29.

With regard to the Examiner's assertion that the inventions of Group II and I are distinct, Applicant asserts that the process of Group I, claims 1-19, is specific for reacting gabapentin with tannic acid. These claims do not generally claim reacting any acid with any pharmaceutical therapeutic agent. Thus, the process cannot be used to make any other product other than that defined in Group II, claims 20-29. Furthermore, the Group I and II claims should not require a different field of search. The Examiner indicated that the Group I and II claims have the same classification in class 560 and subclass 61.

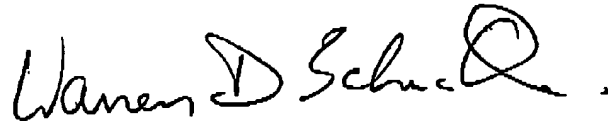
With regard to the Examiner's assertion that the inventions of Group II and III are distinct, Applicant asserts that it is common USPTO practice to issue product and process of use claims in a single patent. Applicant would like to direct the Examiner to review U.S. Pat. Nos. 6,037,358 and 6,287,597, both of which issued with product and process of use claims.

No fee is believed due. However, if any fee is deemed necessary in relation to this communication, the Commissioner is authorized to charge such fee(s) to Deposit Account No. 11-0978.

The Examiner is invited to contact the undersigned attorney with any questions or remaining issues.

Respectfully submitted,

KING & SCHICKLI, PLLC



Warren D. Schickli
Registration No. 31,057

247 North Broadway
Lexington, Kentucky 40507
(859) 252-0889

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence
is being sent by facsimile transmission to Central Fax
no. 571-273-8300 c/o Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450, on

June 20, 2006
Date 6/20/06 J. Williams